

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,)	Case No.: 2:16-mj-00618-GWF
)	
Plaintiff,)	
)	
vs.)	STIPULATION TO CONTINUE
)	BENCH TRIAL
)	(Second Request)
JOHN TITO MALACH, JR.,)	
)	
Defendant.)	

IT IS HEREBY STIPULATED AND AGREED, by and between Daniel G. Bogden, United States Attorney, and Kilby Macfadden, Assistant United States Attorney, counsel for the United States of America, and Monique Kirtley, Assistant Federal Public Defender, counsel for defendant, that the bench trial in the above-captioned matter, currently scheduled for February 22, 2017, at the hour of 9:00 a.m., be vacated and continued for thirty (30) days or to a date and time convenient to the Court.

This stipulation is entered into for the following reasons:

1. Counsel for the defendant has made additional discovery request. The Government needs additional time to review the discovery request.
2. Defendant is out of federal custody and agrees to the continuance.

1 3. Denial of this request for a trial continuance would prejudice both the Defendants
2 and the Government and unnecessarily consume this Court's valuable resources, taking into
3 account the exercise of due diligence.

4 4. Additionally, denial of this request for continuance could result in a miscarriage
5 of justice.

6 5. The additional time requested by this stipulation, is excludable in computing the
7 time within which the defendant must be indicted and the trial herein must commence pursuant
8 to the Speedy Trial Act, 18 U.S.C. § 3161(b) and 3161(h)(8)(A), considering the factors under 18
9 U.S.C. § 3161(h)(8)(B)(I) and (iv).

10 6. This is the second request for continuance of the trial in this case.

11
12 DATED this 21st day of February, 2017.

13
14 Respectfully submitted,

15 DANIEL G. BOGDEN
16 United States Attorney

17 /s/ Monique Kirtley
18 MONIQUE KIRTLEY, AFD
19 Counsel for defendant
20 **JOHN TITO MALACH, JR.**

21 /s/ Kilby Macfadden
22 KILBY MACFADDEN
23 Assistant United States Attorney
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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN TITO MALACH, JR.,

Defendant.

Case No: 2:16-mj-00618-GWF

ORDER CONTINUING
BENCH TRIAL

Based on the pending stipulation of counsel, and good cause appearing therefore,

IT IS HEREBY ORDERED that the bench trial in the above-captioned matter currently
scheduled for February 22, 2017, at the hour of 9:00 a.m., be vacated and continued to ____
March 31, 2017, at the hour of 9:00 a.m.

DATED this 22nd day of February, 2017.


UNITED STATES MAGISTRATE JUDGE